

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5

IN THE MATTER OF:)	
)	
Pace Industries, Inc.)	FINDING OF VIOLATION
Chicago, Illinois)	
)	EPA-5-99-IL-37
Proceedings Pursuant to)	
the Clean Air Act,)	
42 U.S.C. §§ 7401 <u>et seq.</u>)	
_____)	

Finding of Violation

The United States Environmental Protection Agency (U.S. EPA) hereby notifies the State of Illinois and Pace Industries, Inc., (Pace) that U.S. EPA finds that Pace, located at 2545 West Polk Street, Chicago, Illinois, is in violation of the Clean Air Act (Act), 42 U.S.C. §§ 7401 et seq. Pace is in violation of Section 112 of the Act, 42 U.S.C. § 7412, and regulations setting forth National Emission Standards for Hazardous Air Pollutants (NESHAPs) for Wood Furniture Manufacturing Operations, at 40 C.F.R. Part 63, as follows:

Regulatory Authority

1. On December 7, 1995, in accordance with Section 112 (d) of the Act, U.S. EPA promulgated the National Emission Standard for Wood Furniture Manufacturing Operations, 40 C.F.R. Part 63, Subpart JJ, §§ 63.800 - 63.808.
2. Subpart JJ applies to each facility that is engaged, either in part or in whole, in the manufacturing of wood furniture or wood furniture components and that is located at a plant that is a major source of hazardous air pollutants (HAPs). 40 C.F.R. § 63.800 (a).
3. A "major source" is defined as any stationary source or group of stationary sources located within a contiguous area and under common control that emits or has the potential to emit considering controls, in the aggregate, 10 tons per year or more of any hazardous air pollutant or 25 tons per year or more of any

combination of hazardous air pollutants, unless the Administrator establishes a lesser quantity, or in the case of radio nuclides, different criteria from those specified in this sentence. 40 C.F.R. § 63.2.

4. 40 C.F.R. § 63.800 (e) specifies that the compliance date for existing affected sources that emit less than 50 tons per year of any HAPs in 1996 is December 7, 1998.
5. 40 C.F.R. § 63.9 (b)(2) requires the owner or operator of an affected source that has an initial start-up before the effective date of a relevant standard under this part to notify the Administrator in writing that the source is subject to the relevant standard. As per subpart JJ, existing sources are required to submit the initial notification report within 270 days of the effective date.
6. 40 C.F.R. § 63.802 (a) specifies that each owner or operator of an existing affected source subject to Subpart JJ to limit Volatile Hazardous Air Pollutants (VHAP) emissions from finishing operations by meeting the emission limitations for existing sources presented in Subpart JJ using any of the compliance methods listed in 40 C.F.R. § 63.804 (a)(1) - (a)(4).
7. 40 C.F.R. § 63.806 (b)(2) requires the owner of operator of an affected source subject to the emission limits of Subpart JJ to maintain records of the VHAP content, in kg VHAP/kg solids (lb VHAP/lb solids), as applied, of each finishing material and contact adhesive subject to the emission limits in § 63.802.
8. 40 C.F.R. § 63.803 (a) requires each owner or operator of an affected source subject to Subpart JJ to prepare and maintain a written work practice implementation plan that defines environmentally desirable work practices for each wood furniture manufacturing operation. The plan is required to be developed no more than 60 days after the compliance date.

Factual Background

9. During the calendar year 1996, 1997, and 1998, Pace was a stationary source that emitted or had the potential to emit 25 tons per year or more of hazardous air pollutants.
10. Pace owns and operates a wood household furniture manufacturing facility located at 2545 West Polk Street, Chicago, Illinois.
11. Pace had an initial start-up before the effective date of the NESHAPs for wood furniture manufacturing operations.
12. Pace emitted 14.02 tons of HAPs during the calendar year 1996. Pace emitted VHAPs during the calendar year 1996, 1997, and 1998, as follows:

Year	Actual Emissions (tpy)	Potential emissions (tpy)
1996	14.0	59.0
1997	6.32	26.6
1998	7.18	30.2

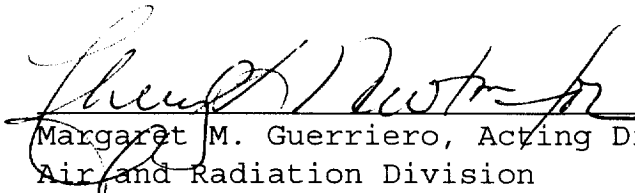
13. Pace did not notify EPA in writing that Pace was subject to Subpart JJ and did not submit such notification 270 calendar days after the effective date of the standard.
14. Pace has not limited VHAP emissions from finishing operations by meeting the emission limitations for existing sources by using one of the three compliance methods listed at 40 C.F.R. § 63.804 (a)(1) through (a)(4).
15. Pace did not maintain records of the amount of finishing material, as applied, and contact adhesives subject to the emission limits in Subpart JJ.

16. Pace did not prepare and maintain a written work practice implementation plan that defines environmentally desirable work practice for each wood furniture manufacturing operation.

Violations

17. Pace's failure to submit to EPA an initial notification report indicating that the source was subject to Subpart JJ within 270 days after the effective date is a violation of 40 C.F.R. § 63.9 (b)(2).
19. Pace's failure to limit HAP emissions from its finishing operations by meeting the emission limitations for existing sources, using any of the compliance methods in 40 C.F.R. § 63.804 (a)(1) through (a)(4) is a violation of 40 C.F.R. § 63.802 (a).
20. Pace's failure to maintain records of the amount of finishing material, as applied, and contact adhesives, in kg VHAP/kg solids (lb VHAP/lb solids), is a violation of 40 C.F.R. § 63.806 (b)(2).
21. Pace's failure to prepare and maintain a written work practice implementation plan that defines environmentally desirable work practices for each wood furniture manufacturing operation, no later than 60 days after the compliance date is a violation of 40 C.F.R. § 63.803 (a).

8/5/99
Date


Margaret M. Guerriero, Acting Director
Air and Radiation Division

CERTIFICATE OF MAILING

I, Betty Williams, certify that I sent a Finding of
Violation by Certified Mail, Return Receipt Requested, to:


James Palka, President
Pace Industries, Inc.
2545 West Polk Street
Chicago, Illinois 60612

I also certify that I sent copies of the Finding of
Violation by first class mail to:

David Kolaz, Manager
Compliance and Systems Management Section
Bureau of Air
Illinois Environmental Protection Agency
1021 North Grand Avenue East
Springfield, Illinois 62702

Harish Narayen, Acting Regional Manager
Environmental Control
Illinois Environmental Protection Agency, Region I
1701 S. First Avenue
Maywood, Illinois 60153

on the 5th day of August, 1999.


Betty Williams, Secretary
AECAS, (IL/IN)

CERTIFIED MAIL RECEIPT NUMBER: P140 779165